

ORDINANCE NO. O2013-52

AN ORDINANCE OF THE CITY OF WILDWOOD FLORIDA;
DELETING SECTION 12-96 OF THE CITY OF WILDWOOD
CODE OF ORDINANCES AND CREATING SECTION 3.22
OF THE CITY OF WILDWOOD LAND DEVELOPMENT
REGULATIONS; PERTAINING TO PARKING OF SEMI-
TRUCKS AND SEMI-TRAILERS ON REAL PROPERTY;
PROVIDING FOR CODIFICATION; PROVIDING FOR
CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 12-96 of the City of Wildwood Code of Ordinance pertains to the parking of semi-trucks and semi-trailers;

WHEREAS, the City wishes to update the regulations and to include provisions for the placement of donation trailers; and

WHEREAS, the City wishes to place these regulations in the Zoning Chapter of the Land Development Regulations through the creation of Section 3.22 "Parking of Semi-Trucks and Semi-Trailers;"

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the City Commission of Wildwood, Florida, as follows:

SECTION 1. Section 12-96 of the City of Wildwood Code of Ordinances is hereby stricken in its entirety.

SECTION 2. Section 3.22 of the Zoning Chapter of the City of Wildwood Land Development Regulations is hereby created to include the following:

3.22 - Parking of semi-trucks and semi-trailers.

(A) *Purpose.* The purpose of this Section is to regulate the parking of semi-trucks and semi-trailers anywhere within the City limits, including any parking upon streets, rights-of-way, public property, and private property.

(B) *Definitions.* The following terms shall be defined for purposes of this Section as follows:

(1) *Donation trailers* shall mean semi-trailers that are owned and operated by registered non-profit organizations and are intended for the collection of donated goods.

(2) *Property owner* shall mean the owner of real property.

(3) *Semi-trailer* shall mean a trailer without motor power with a set or sets of wheels and/or axles at the rear only, designed to be supported by a truck, tractor, or towing vehicle.

(4) *Semi-truck* shall mean any heavy automotive vehicle with a manufacturer's gross vehicle weight rating of 10,000 pounds or more, used for transporting loads of any kind, including, but not limited to, gravel trucks, dump trucks, log trucks, all trucks, tractors, or automotive towing vehicles that tow semi-trailers.

(5) *Semi-truck owner* shall mean the person who is the owner of a semi-truck and/or semi-trailer.

(C) *Parking of semi-trucks and semi-trailers on private property.* Parking of semi-trucks and semi-trailers on private property is prohibited in the City unless the property is located within the PEU, M-1, or M-2 zoning district, or a Special Exception has been granted allowing such parking in accordance with this Section.

(D) *Parking of semi-trucks and semi-trailers upon public streets, rights-of-way, and other public property.*

(1) Semi trucks shall not be parked upon public streets, rights-of-way, or any other publicly owned property in the City, except for purposes of pick-up or delivery, unless the property is located within the PEU, M-1, or M-2 zoning district.

(2) Semi-trucks or semi-trailers may be parked for up to 30 minutes for pick-up or delivery in all circumstances except where the pick-up or delivery involves complete relocation of the contents of a building such as when a person, family, or entity is relocating to a new home or office.

(3) When a person is relocating the contents of a building, pick-up or delivery by a semi-truck may continue for up to twenty four (24) hours.

(4) Semi-trailers not connected to semi-trucks shall not be parked on public streets, rights-of-way, or other publicly-owned property for any purpose within the City unless the property is zoned PEU, M-1, or M-2 or a Special Exception has been granted.

(5) The parking or placement of donation trailers is prohibited on public streets or any other public property.

(6) Enforcement against semi-truck drivers and semi-truck owners shall be in accordance with subsection (H) of this Section.

(E) *Requirements for Special Exception Approval for Parking of Semi-Trailers.*

(1) The parking of semi-trailers may be allowed on properties zoned AG-10, AG-5, or C-3 if the Planning and Zoning Board grants a Special Exception.

(2) The Development Service Department shall require that the application for a Special Exception to allow the parking of semi-trailers provide information concerning the number of trailers expected, the length of time the trailers will be expected to remain on the property, the hours at which the trailer may be taken to and from the property, and such other information deemed appropriate by the Development Services Department.

(3) Review for determination of whether or not a Special Exception should be granted shall include review by the Development Services Department. In order to

be qualified to be granted a Special Exception, the following requirements must be met:

- (a) The semi-trailer must be a donation trailer;
- (b) The property shall not be adjacent to a residential or institutional property;
- (c) Minimum parking standards shall be maintained;
- (d) The area where semi-trailer parking is to occur must be paved;
- (e) The area where the semi parking is to occur must be buffered through a combination of the use of landscaping, screening, and fencing as required by the City; and
- (f) The applicant can demonstrate that the semi-trailer parking will not create a nuisance or otherwise be a threat the public's health, safety, and welfare.

(F) *Permit Required for Donation Trailers.*

- (1) Any person or entity wishing to place a donation trailer on private property must obtain a permit from the Development Services Department.
- (2) Only entities or organizations that have a tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, as amended, may apply for and obtain a permit. Proof of such tax status must accompany an application for a permit.
- (3) A donation trailer that is subject to the provisions of this Section must have clearly identified, in writing, on its face the entity or organization that is maintaining the donation trailer. A phone number and address for such entity must also be written on the donation trailer.
- (4) The donation trailer shall be located in an area on the property that will not impede traffic circulation, loading areas, or occupy parking spaces necessary to meet the minimum parking standards on the subject property.
- (5) The donation trailer must be ancillary to the principal use of the property. The application for the permit must be signed by the property owner.

(G) *Enforcement procedures against property owners.*

- (1) Violation of this Section by property owners shall be as in any Code Enforcement action. All provisions in the City's ordinances and statutes related to Code Enforcement shall apply. Fines shall be determined in the same manner as in any Code Enforcement action.
- (2) In any Code Enforcement action brought against a property owner who has had in place and in use in a semi-truck trailer on property owned prior to November 25, 2013, and used as part of a business, a period of six (6) months from the date of the notice of violation shall be provided for the removal of such semi-truck trailer.
- (3) One extension of no more than 90 days shall be allowed upon a written request being submitted to the Development Services Department.

(H) *Enforcement procedures against semi-truck and semi-trailer owners and drivers.*

- (1) Failure to park semi-trucks or semi-trailers in compliance with this Section may result in enforcement against either or both the semi-truck or semi-trailer owner and driver.

(2) Enforcement shall be by any City Code Enforcement Officer or City Police Officer.

(3) A police officer may take up, or cause to be taken up or removed to a place designated, any semi-truck or semi-trailer parked in violation of any of the provisions of the parking ordinances of the City, including this section, and is authorized and empowered to keep same in such place so designated until all fines and charges assessed for moving and storage against the owner and the semi-truck or semi-trailer have been paid or satisfactory bond arranged. If a police officer is required, in order to enforce the ordinances of the City to impound an illegally parked semi-truck or semi-trailer, all costs of impoundment shall be paid by the semi-truck owner and/or semi-truck driver before the vehicle is released to any person.

(4) Any person, firm, or corporation violating any provision of this Section shall be fined according to a schedule set by separate resolution.

SECTION 3. All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.

SECTION 4. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court or competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.

SECTION 5. This Ordinance shall be effective upon adoption during the second and final reading by the City of Wildwood City Commission.

DONE AND ORDAINED this 25th day of November, 2013, by the City Commission of the City of Wildwood, Florida.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

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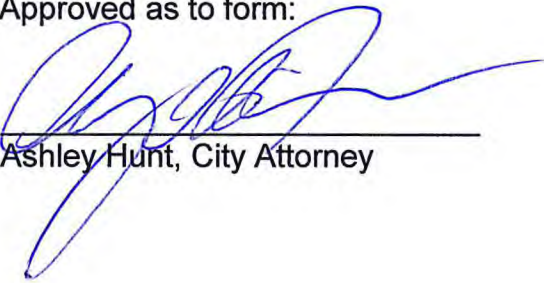
Ed Wolf, Mayor

ATTEST: 
Joseph Jacobs, City Clerk

First Reading: 11-11-13

Second Reading: 11-25-13

Approved as to form:

A handwritten signature in blue ink, appearing to be 'Ashley Hunt', written over a horizontal line.

Ashley Hunt, City Attorney